

REMARKS

Status of the claims

Claims 1-20 are in the application.

Claims 1-20 have been rejected.

By way of this amendment, claims 1-6 have been canceled, claims 7 and 9 have been amended and new claims 21-31 have been added.

Upon entry of this amendment, claims 7-31 will be pending.

Summary of the Amendment

New claims 21-31 define further embodiments of the invention. It is submitted that new claims 21-31 are allowable. No new matter has been added.

New claims 21 and 22 provide embodiments relating to size and coating, and are supported in the disclosure at for example, page 4 lines 4-5 and lines 13-15. New claim 23 and dependent claims 25-27 add the step of removing the composition from packaging material and administering the contents to food. These claims are supported by for example, page 3 lines 1-8, page 5 lines 23-34 to page 6 line 5.

New claim 28 provides for instructions to add the contents of the article of manufacture to semi-solid, liquid or pureed foods. Support can be found at page 5 lines 26-32.

New claims 29 and 30 provide for a 40-80 mg dosage range of iron. The disclosure at

page 5 lines 16-22 does not restrict the amount of iron and provides for the administration of larger amounts of iron.

In addition, Applicants respectfully point out the change in the Attorney Docket reference number. Applicants respectfully request that the Office make the appropriate change in their records to reflect this new number.

Rejection of Claims 1-11

The Examiner has rejected claims 1 to 11 as anticipated by Kovacs et al. The applicant respectfully requests reconsideration withdrawal of this objection in view of the following comments.

Claims 1 through 6 have been deleted. It is submitted that the remaining claims are not disclosed in Kovacs. Kovacs discloses mixing a food supplement with a melted fat carrier and then applying the fat carrier/food supplement mixture to the surface of a pre-made food product and cooling the food product below the melting point of the fat. Kovacs also discloses a toasting or heating process by which the layer of food supplement is attached to food products such as breakfast cereals. Kovacs teaches the use of this material on crackers, cookies, potato chips, and similar snack foods, flour and pasta. Kovacs teaches the addition of the food supplement/fat carrier mixture during the food manufacturing process.

In contrast, the present invention is directed to consumer use of the food supplement/fat

carrier mixture. Thus, the consumer is able to purchase non-enriched food at a lower price, purchase the food supplement/fat carrier mixture, and combine these products prior to ingestion. Additionally, the composition of the present invention may be used in liquid foods. There is no need for the consumer to heat a fat carrier, add the micronutrient, apply to the surface of the food, and wait for the food to cool. The composition requires no further preparation prior to administration, and does not adversely affect the taste or appearance of the food due to encapsulation.

To address the novelty objection, claims 1 through 6 have been deleted. Claim 7 has been amended to add the limitation that the method begins with removing the pharmaceutical composition containing the micronutrient from packaging material, prior to adding the amount of the composition to a food and administering to the mammal. Accordingly, it is submitted that new claim 7 and dependent claims 8 through 11 are not disclosed in Kovacs. Additionally, claim 8 includes the limitation of the food being a semi-solid, pureed food or a milk-based food product in contrast to Kovacs which teaches solid cereal type products.

Rejection of Claims 12-20

Claims 12 through 20 were rejected as being obvious having regard to Kovacs. The applicant respectfully requests reconsideration and withdrawal of the objection in view of the following comments. As mentioned above, the invention defined by claims 12 through 20

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provides an article of manufacture containing packaging material plus a pharmaceutical composition comprising a therapeutically effective amount of micro-encapsulated iron granules in combination with lipid-based excipient. As mentioned above, there is no suggestion or motivation in Kovacs to provide a product for consumer use where the food can be combined with the micronutrient package directly by the consumer, but rather Kovacs teaches the application of the nutrient during the processing of the food. Kovacs does not teach the composition in packaging material. It is submitted that in order to properly support a rejection on the grounds of obviousness, the cited prior art must provide a teaching, and suggestion of motivation for the instant invention, as well as providing a reasonable expectation of success in achieving the invention in one of ordinary skill in the art. The applicant submits that Kovacs contains neither teaching, motivation nor suggestion that one could use a composition outside of the manufacturing process of the food. Therefore, a person skilled in the art would not be led to supply the micronutrient composition in packaging material.

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Conclusion

Reconsideration and allowance of this application is now respectfully requested. For the foregoing reasons, Applicants respectfully request that claims 7-31 be allowed at this time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark DeLuca".

Mark DeLuca,
Registration No. 33,229

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WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NORRIS LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
(215) 568-3100